

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KENNETH BRINTON,

Defendant.

**4:22CR3013**

**ORDER**

Defendant has moved to continue the pretrial motion deadline and trial date, (Filing No. 28), because Defendant has new counsel who needs additional time review this case and confer with the defendant before deciding if pretrial motions should be filed. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue, (Filing No. 28), is granted.
- 2) Pretrial motions and briefs shall be filed on or before July 22, 2022
- 3) The trial of this case is set to commence before the Honorable John M. Gerrard, United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on August 22, 2022, or as soon thereafter as the case may be called, for a duration of five (5) trial days. Jury selection will be held at commencement of trial.
- 4) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between May 27, 2022, the date the defendant was granted new counsel, and July 22, 2022, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly

diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

June 17, 2022.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge